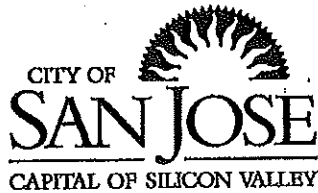


5/27/09 PC



*Department of Planning, Building and Code Enforcement*

JOSEPH HORWEDEL, DIRECTOR

**ADDENDUM TO AN EIR  
USE OF A FINAL EIR PREPARED FOR A PREVIOUS PROJECT**

Pursuant to Section 15164 of the CEQA Guidelines, the City of San Jose has prepared an Addendum to an Environmental Impact Report (EIR) because minor changes made to the project that are described below do not raise important new issues about the significant impacts on the environment.

**PROJECT DESCRIPTION AND LOCATION**

Amendment of the North San Jose Area Development Policy to 1) provide capacity for additional residential development to proceed as part of Phase I of the Policy, 2) convert industrial space to regional commercial and hotel uses and apply a traffic impact fee for regional commercial and hotel uses, 3) establish an allocation for affordable housing within each phase of the of the Policy, 4) update the Grid Street Plan, and 5) provide implementation modifications for clarification purposes. The amendment includes preparation of the Neighborhoods Plan and Urban Design Guidelines to accompany the Policy.

The North San Jose Area Development Policy boundaries generally include the area within San Jose north and west of Interstate 880 or Coyote Creek, east of the Guadalupe River, and south of State Route 237. The Policy boundaries also include an area east of Interstate 880 along Murphy Avenue to Lundy Avenue.

Council District 4

County Assessor's Parcel Numbers: Various

The environmental impacts of this project were addressed by a Final EIR entitled, "North San Jose Development Policies Update EIR," and findings were adopted by City Council Resolution No. 72768 on June 21, 2005. Specifically, the following impacts were reviewed and found to be adequately considered by the EIR:

- ☒ Traffic and Circulation
- ☒ Cultural Resources
- ☒ Urban Services
- ☒ Aesthetics
- ☒ Energy
- ☒ Transportation
- ☒ Water Quality

- ☒ Soils and Geology
- ☒ Hazardous Materials
- ☒ Biotics
- ☒ Airport Considerations
- ☒ Relocation Issues
- ☒ Utilities
- ☐ \_\_\_\_\_

- ☒ Noise
- ☒ Land Use
- ☒ Air Quality
- ☒ Microclimate
- ☒ Construction Period Impacts
- ☒ Facilities and Services

**ANALYSIS**

See Attached Initial Study for Addendum, "North San Jose Development Area Policy 1<sup>st</sup> Amendment", dated May 2008.

Also available for review on the Vision North San José website environmental documents page:  
<http://www.sanjoseca.gov/planning/nsj/environment.asp>

Andrew Crabtree  
Project Manager

Joseph Horwedel, Director  
Planning, Building and Code Enforcement

MAY 20, 2009  
Date.

Akemi Shimizu  
Deputy

**NORTH SAN JOSE DEVELOPMENT AREA POLICY  
1<sup>st</sup> AMENDMENT**

**ADDENDUM TO THE  
NORTH SAN JOSE DEVELOPMENT POLICIES UPDATE  
FINAL ENVIRONMENTAL IMPACT REPORT**

**CITY OF SAN JOSE**

**May 2009**

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#### A. Traffic Memo

# 1. Background Information

## PROJECT DATA

1. **Project Title:** North San Jose Area Development Policy Amendment
2. **Lead Agency Name and Address:** City of San Jose, 200 E. Santa Clara Street, San Jose, CA 95113 Contact: Akoni Daniels (408) 535-7823 [Akoni.Danielsen@sanjoseca.gov](mailto:Akoni.Danielsen@sanjoseca.gov)
3. **Project Proponent:** City of San Jose, 200 E. Santa Clara Street, San Jose, CA 95113 Contact: Andrew Crabtree (408) 535-7893 [Andrew.Crabtree@sanjoseca.gov](mailto:Andrew.Crabtree@sanjoseca.gov)
4. **Project Location:** The North San Jose Area Development Policy boundaries generally include the area within San Jose north and west of Interstate 880 or Coyote Creek, east of the Guadalupe River, and south of State Route 237. The Policy boundaries also include an area east of Interstate 880 along Murphy Avenue to Lundy Avenue.
5. **Project Description:** Amendment of the North San Jose Area Development Policy to 1) provide capacity for additional residential development to proceed as part of Phase I of the Policy without increasing the overall units allowed by the Policy, 2) convert office/research & development/industrial space to regional commercial and hotel uses and apply a traffic impact fee for regional commercial and hotel uses, 3) establish an allocation for affordable housing within each phase of the of the Policy, 4) update the Grid Street Plan, and 5) provide implementation modifications for clarification purposes. The amendment includes preparation of the Neighborhoods Plan and Urban Design Guidelines to accompany the Policy.
6. **Environmental Consultant:** Denise Duffy & Associates, Inc. Main Office: 947 Cass Street, Monterey, CA 93940 Contact: Leianne Humble (831) 373-4341

## 2. Project Description

### INTRODUCTION

The Final Environmental Impact Report (EIR) for the North San Jose Area Development Policies Update was certified and the project approved by the City Council in June 2005. The EIR was subsequently legally challenged by Santa Clara County and the Cities of Milpitas and Santa Clara. In December 2006, the Santa Clara County Superior Court approved a settlement of all legal challenges and deemed the EIR adequate.

The document contained herein comprises an addendum to the 2005 Final EIR. This addendum is prepared pursuant to CEQA Guidelines §15164, which states: "A lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in §15162 calling for preparation of a subsequent EIR have occurred." CEQA Guidelines §15162 establishes the following criteria for the preparation of a Supplemental EIR. None of these criteria may be met if an addendum is to be prepared.

1. Substantial changes are proposed in the project, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken, which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:
  - (A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

This addendum has been prepared in accordance with the CEQA Guidelines, and includes a brief explanation of the decision not to prepare a supplemental or subsequent Negative Declaration or EIR, supported by substantial evidence. The City must consider this addendum, along with the certified Final EIR, prior to making a decision on the project addressed herein; however, the addendum does not need to be circulated for public review (CEQA §15164).

Based on the analysis in this addendum, it is concluded that the North San Jose Area Development Policies Update Final EIR adequately addresses the environmental effects of the proposed North San Jose Area Development Policy amendment and accompanying documents, and the amendment would not result in significant environmental effects that are not already identified in the Final EIR. The project, therefore, meets the eligibility requirements for preparation of an addendum and does not require a supplemental EIR or ND.

## **PROJECT LOCATION**

The North San Jose Area Development Policy boundaries generally include the area within San Jose north and west of Interstate 880 or Coyote Creek, east of the Guadalupe River, and south of State Route 237. The Policy boundaries also include an area east of Interstate 880 along Murphy Avenue to Lundy Avenue.

## **PROJECT DESCRIPTION**

The City of San Jose is proposing an amendment to the North San Jose Area Development Policy ("Policy") to support and facilitate the continued development of North San Jose. The proposed amendment is intended to accomplish the following: 1) provide capacity for additional residential development to proceed as part of Phase I of the Policy without increasing the overall units allowed by the Policy, 2) convert office/research & development/industrial space to regional commercial and hotel uses and apply a traffic impact fee for regional commercial and hotel uses, 3) establish an allocation for affordable housing within each phase of the of the Policy, 4) update the Grid Street Plan, and 5) provide implementation modifications for clarification purposes.

The project also includes preparation of the North San Jose Development Policy Neighborhoods Plan and North San Jose Urban Design Guidelines, two new documents intended to implement the policies and strategies in the North San Jose Area Development Policy. The various components of the Policy amendment and accompanying documents are described in more detail below.

**Residential Capacity.** The Policy allows a total of 32,000 residential units to be built over four phases. The current North San Jose Area Development Policy caps the amount of residential development in the first Phase at 8,000 units. The proposed amendment will add capacity for 500 additional residential units to Phase 1 from the Phase 2 capacity to allow 8,500 units, but will not increase the total capacity above 32,000 units.

**Regional Commercial/Hotel Uses.** The proposed Policy amendment allows for the development of up to one million square feet of regional or "large scale" commercial uses. In addition, the amendment provides capacity for the construction of up to 2,000 new hotel rooms within the Policy Area. This is proposed in response to market conditions that favor regional retail uses in the area, which are currently under-represented in North San Jose. In addition, future demand for hotel uses is currently anticipated due to the intensification of industrial businesses drawing out-of-town visitors.

In order to maintain the same development levels as the current Policy, the proposed amendment reduces the total net new industrial square footage within the Policy Area by two million square feet (from 26.7 to 24.7 million square feet). The proposed amendment also reallocates industrial office capacity to regional commercial and hotel projects on a trip equivalency basis to determine appropriate Traffic Impact Fees.

**Affordable Housing.** The proposed amendment reserves 20% of the total units available beginning at Phase 2 for affordable housing. The proposed amendment specifically requires 20% of the units available in each Phase (starting in Phase 2) to be allocated only to affordable housing projects.<sup>1</sup>

**Updated Grid Street Plan.** The proposed amendment includes an updated version of the Grid Street Plan that refines the conceptual layout in the Policy, identifying the location of the Grid streets primarily within the Core area. The location of these streets may be refined as specific sites develop.

**Implementation Clarifications.** The proposed Policy amendment includes clarifications to improve implementation of new development, which address application of traffic impact fees for various uses (building additions, low intensity uses, high intensity uses, retail space, hotels), infrastructure improvements, phasing of housing, and development allocation.

**North San Jose Area Development Policy Neighborhoods Plan.** The draft Neighborhoods Plan (March 2009) provides *supplemental* guidance and interpretation to further the goals of the Policy, specifically related to the provision of amenities to serve future employees and residents in the area. Implementation guidelines are identified for park, library, educational and healthcare development, transportation connections, retail services, and urban design. The draft Neighborhoods Plan is available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

**North San Jose Urban Design Guidelines.** The proposed draft North San Jose Urban Design Guidelines (March 2009) are part of the Implementation Strategy for the North San Jose Area Development Policy. This document contains details intended to assist in the visual and functional design of new development.<sup>2</sup> These guidelines address such details as site layout, access, parking, architectural features, park development, and sustainability measures (e.g., green technologies). The draft Design Guidelines are available for review at the City of San Jose Department of Planning, Building and Code Enforcement.

## PROJECT OBJECTIVES

The objectives for the proposed amendment to the North San Jose Area Development Policy are as follows:

- Add short-term residential capacity to Phase I (from Phase II) of the Policy to allow projects with financing ready to move forward.
- Provide a clear mechanism for the entitlement of regional commercial and hotel projects by reallocating capacity from the trips assigned to industrial office to regional commercial and hotel uses.
- Set aside residential capacity for affordable units to help meet the City's goal for 20% of units to be affordable within the Policy Area.
- Provide clarification on the mechanics for implementation of the Policy.

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<sup>1</sup> The 20% would also apply to any reallocation to units in Phase I if any existing permits expire.

<sup>2</sup> In the event that the General Plan, a Specific Plan, or adopted City ordinance conflicts with an issue addressed in the Guidelines, the General Plan, Specific Plan, or City ordinance would take precedence.



### 3. Environmental Evaluation

The following discussion describes the environmental impacts that could occur as a result of the proposed Policy amendment. The potential environmental impacts of the proposed amendment are evaluated based on the analysis provided in the Final EIR for the North San Jose Area Development Policies Update ("NSJ Final EIR") certified in 2005.

The proposed amendment to the North San Jose Area Development Policy consists of primarily of revisions intended to facilitate implementation of the Policy and associated future development. The only land use changes included in the amendment consist of the following: 1) moving 500 residential units from Phase II to Phase I with no changes to total buildout levels, and 2) reallocating two million square feet of industrial space to hotel and regional retail uses. Total development levels under the current Policy would remain unchanged with the Policy amendment.

The impacts and mitigation measures identified in the certified Final EIR sufficiently address the environmental effects of the proposed amendment, as described in the analysis below. Please refer to Section 4 for a summary of the conclusions.

#### A. AESTHETICS

##### Setting

The visual conditions in the North San Jose area are described in the 2005 NSJ Final EIR as generally urban, with some views of the foothills to the east. The visual analysis focused on conformance of new development with established City of San Jose design guidelines. The Final EIR concluded that the increased development in the North San Jose Area would result in less-than-significant impacts in the following areas: 1) increased shade and shadow on public and private open space areas, 2) degradation of visual character, and 3) visual effects from new sources of light and glare. As noted in the EIR, all new development is required to conform to the design criteria set forth in the North San Jose Area Development Policy.

##### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
1. AESTHETICS. Would the project:						
a) Have a substantial adverse effect on a scenic vista?				X		1, 2, 3
b) Substantially damage scenic resources, including but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway?				X		1, 2, 3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?				X		1, 2, 3
d) Create a new source of substantial light or glare, which would adversely affect day or nighttime views in the area?				X		1, 2, 3
e) Increase the amount of shade in public or private open space on adjacent sites?				X		2

## Discussion

The proposed Policy amendment does not increase development beyond those levels evaluated in the 2005 NSJ EIR and will not result in new or more severe visual or aesthetic impacts. The Policy amendment includes provisions to allow regional commercial and hotel uses by decreasing the overall square footage of allowable industrial development, resulting in roughly equal development levels. Specifically, the Policy amendment allows the development of up to one million square feet of regional commercial uses and up to 2,000 new hotel rooms by reducing the total net new industrial square footage from 26.7 to 24.7 million square feet within the Policy Area.

Similarly, the Policy amendment moves 500 residential units from Phase II to Phase I, which will not result in visual or aesthetic impacts, since development levels at buildout will remain unchanged (at 32,000 residential units).

The Policy amendment includes the North San Jose Urban Design Guidelines, which provide specific recommendations for site layout, massing, and other architectural features that will further minimize visual impacts from future development. No changes in building height requirements are proposed that differ from the original Policy.

## Conclusion

The proposed amendment would have a less-than-significant impact on aesthetics. The project would not result in significant new or increased aesthetic impacts beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.A).

## B. AGRICULTURAL RESOURCES

### Setting

In California, agricultural land is given consideration under CEQA. According to Public Resources Code §21060.1, "agricultural land" is identified as prime farmland, farmland of statewide importance, or unique farmland, as defined by the USDA land inventory and monitoring criteria, as modified for California. CEQA also considers impacts on lands that are under Williamson Act contracts. The North San Jose area is identified as "urban/built-up land" on the Santa Clara County Important Farmlands Map.

### Thresholds per CEQA checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
2. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:						
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?					X	4
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?					X	2

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?					X	1

## Discussion

The proposed Policy amendment would not impact agricultural land or resources.

## Conclusion

The project would not result in new agricultural impacts as per the 2005 NSJ Final EIR (see EIR Section II.A).

## C. AIR QUALITY

### Setting

The project is located within the San Francisco Bay Area Air Basin. The Bay Area Air Quality Management District (BAAQMD) is the local agency authorized to regulate stationary air quality sources in the Bay Area.

The 2005 NSJ Final EIR concluded that development from buildout of the Policy Area would have a significant impact on regional air quality from the emission of criteria air pollutants, specifically the emissions of ozone precursors and PM<sub>10</sub>. This was deemed unavoidable since measures are not available to fully mitigate the effect, and the City Council adopted a statement of overriding considerations for the impact. The Final EIR also identified significant air quality impacts from construction activities (primarily dust generation).

The Final EIR identified measures to reduce air pollution emissions, including Transportation Control Measures (TCMs) from the Clean Air Plan and Transportation Demand Management (TDM) measures. These measures include institutional controls to be implemented by the City and regional entities, and TDM programs to be incorporated into private development. Standard dust control measures were also identified in the Final EIR as per BAAQMD requirements.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
3. AIR QUALITY. Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:						
a) Conflict with or obstruct implementation of the applicable air quality plan?				X		3
b) Violate any air quality standard or contribute to an existing or projected air quality violation?				X		3, 6

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions, which exceed quantitative thresholds for ozone precursors)?				X		3, 6
d) Expose sensitive receptors to substantial pollutant concentrations?				X		3, 6
e) Create objectionable odors affecting a substantial number of people?				X		1

### Discussion

The proposed Policy amendment does not increase development beyond those levels evaluated in the 2005 NSJ EIR. The Policy amendment allows the development of up to one million square feet of regional commercial uses and up to 2,000 new hotel rooms by reducing the total net new industrial square footage by two million square feet within the Policy Area.

A traffic analysis was completed for the amendment (Hexagon, March 2009) to determine the average daily vehicle trips for each land use to determine the trip changes from converting planned industrial space to regional retail and hotel uses. This comparison showed that the conversion of two million square feet of industrial space to one million square feet of regional retail space and 2,000 hotel rooms would generate fewer daily vehicle trips than evaluated in the original traffic study for the NSJ Final EIR. The land use conversions allowed by the Policy amendment, therefore, would decrease local or regional air pollution emissions from vehicular sources beyond those already identified in the Final EIR (refer to Appendix A). Since the total development levels would remain unchanged, no other air quality impacts would occur beyond those already identified in the Final EIR.

The Policy amendment also proposes to move 500 residential units from Phase II to Phase I, which will not alter development levels at buildout (32,000 residential units); therefore, this component of the Policy amendment would not increase air pollution emissions beyond those levels assumed in the 2005 NSJ Final EIR.

### Conclusion

The proposed amendment would not result in new or increased air quality impacts beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.C).

## D. BIOLOGICAL RESOURCES

### Setting

The 2005 NSJ Final EIR identified numerous sensitive biological resources in the North San Jose area, including riparian habitat, burrowing owls, raptors, special-status wildlife, and ordinance-sized trees.

The NSJ Final EIR identified potentially significant impacts to special status wildlife species, including burrowing owls, nesting raptors, and special status bats. The impacts to burrowing owl habitat were identified as a significant unavoidable impact due to loss of habitat acreage; the City Council adopted a

statement of overriding considerations for this impact. The removal of ordinance-sized trees was also identified as a significant impact. Mitigation was included in the Final EIR to avoid or minimize impacts to biological resources, including preconstruction surveys for special status species, habitat protection measures, appropriate tree replacement, and ecologically-sound construction methods (e.g., to avoid sedimentation of creeks and rivers).

#### *Thresholds per CEQA Checklist*

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
4. BIOLOGICAL RESOURCES. Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X		1, 2, 3
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?			X		1, 2, 3
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?			X		1, 2
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?			X		1, 2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?			X		2, 3
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan?			X		1, 2

#### **Discussion**

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. The proposed changes in land use to regional retail and hotel uses would not have any impacts to biological resources compared with the existing designations of office/research & development/industrial. Therefore, the amendment would not result in new or increased impacts to biological resources.

#### **Conclusion**

The proposed amendment would not result in new or increased impacts to biological resources beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.E).

## **E. CULTURAL RESOURCES**

### **Setting**

The 2005 NSJ Final EIR noted numerous recorded and/or potential cultural resources within and immediately adjacent to the project area. The NSJ Final EIR identified the potential for disturbance of historic or prehistoric archaeological resources as a significant impact that would be reduced to a less-than-significant level with incorporation of mitigation including site specific analysis in sensitive areas and implementation of protective measures during construction.

### **Thresholds per CEQA Checklist**

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
5. CULTURAL RESOURCES. Would the project:						
a) Cause a substantial adverse change in the significance of a historical resource as defined in CEQA 15064.5?				X		3
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA 15064.5?				X		3
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?				X		1, 2
d) Disturb any human remains, including those interred outside of formal cemeteries?				X		1, 2

### **Discussion**

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. Therefore, the amendment would not result in new or increased impacts to cultural resources.

### **Conclusion**

The proposed amendment would not result in new or increased impacts to cultural resources beyond those already identified in the 2005 NSJ Final EIR (see EIR Section 11.F).

## **F. GEOLOGY AND SOILS**

### **Setting**

The NSJ Final EIR describes the geology and soil characteristics in the project area, which include potentially hazardous soil and seismic conditions. The NSJ Final EIR identified soils and seismic hazards as potentially significant impacts that would be reduced to a less-than-significant level with mitigation. Mitigation set forth in the EIR requires preparation of project-level soils and geotechnical investigations prior to issuance of a Public Works Clearance and building permit, and implementation of design recommendations.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
6. GEOLOGY AND SOILS. Would the project:						
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?				X		3
ii) Strong seismic ground shaking?				X		3
iii) Seismic-related ground failure, including liquefaction?				X		3
iv) Landslides?				X		3
b) Result in substantial soil erosion or the loss of topsoil?				X		3
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?				X		3
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?				X		3
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?				X		1

### Discussion

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. Therefore, the amendment would not result in new or increased impacts associated with geology and soils.

### Conclusion

The proposed amendment would not result in new or increased geologic or soils impacts beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.G).

## G. HAZARDS AND HAZARDOUS MATERIALS

### Setting

The NSJ Final EIR identified the possible presence of hazardous materials in the project area, such as contamination with fuels, oils, metals, pesticides and other substances that could be released during construction and pose health risks to construction workers and/or the public. This was identified as a significant impact that would be reduced to a less-than-significant level with preparation of Phase I assessments and implementation of appropriate remediation measures as required.

The Santa Clara County Airport Land Use Commission (ALUC) sets forth policies for development near public airports in the County. Portions of the Policy Area are located within two miles of the Norman Y. Mineta San Jose International Airport. The Federal Aviation Administration (FAA) Regulations, Part 77 establish requirements for protecting air space, including height limitations on structures. The project proponent must obtain FAA airspace review and issuance of a "No Hazard Determination" (for structures above 200 feet) during the development permit stage.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
7. HAZARDS AND HAZARDOUS MATERIALS. Would the project:						
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?				X		1, 3
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?				X		1, 3
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within ¼ mile of an existing or proposed school?				X		1, 3
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?				X		3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?				X		1, 3
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?				X		1
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?				X		1



ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?				X		1

## Discussion

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses or building heights. Therefore, the amendment would not result in new or increased impacts associated with hazards or hazardous materials.

## Conclusion

The proposed amendment would not result in new or increased hazards or hazardous materials impacts beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.I). In addition, the project would not result in new or increased airport hazards beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.A).

## H. HYDROLOGY AND WATER QUALITY

### Setting

Portions of the Policy Area are subject to flooding. The NSJ Final EIR identified significant impacts from periodic flooding in the NSJ area that could cause harm to people or structures. Mitigation was identified in the Final EIR to reduce flooding impacts to a less-than-significant level through compliance with the City of San Jose Floodplain Management Ordinance.

The NSJ Final EIR identified significant impacts from the increase in storm water flows where flows exceed the capacity of the drainage system. The NSJ Final EIR identified potential water quality impacts from pre- and post-construction development activities as a significant impact. Mitigation was identified in the NSJ Final EIR to reduce these impacts to a less-than-significant level. This mitigation included compliance with the NPDES permit, which requires implementation of site-specific SWPPPs and BMPs to control discharge non-point source pollution.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
8. HYDROLOGY AND WATER QUALITY. Would the project:						
a) Violate any water quality standards or waste discharge requirements?				X		1, 2, 3

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (for example, the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?				X		1, 2, 3
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site.				X		1, 2, 3
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?				X		3
e) Create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems or provide substantial additional sources of polluted runoff?				X		3
f) Otherwise substantially degrade water quality?				X		3
g) Place housing within a 100-year flood-hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?				X		3
h) Place within a 100-year flood-hazard area structures, which would impede or redirect flood flows?				X		2
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?				X		1, 2
j) Inundation by seiche, tsunami, or mudflow?					X	1, 2

## Discussion

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. Therefore, the amendment would not result in new or increased impacts associated with hydrology and water quality.

## Conclusion

The proposed amendment would not result in new or increased impacts to hydrological resources beyond those already identified in the certified 2005 NSJ Final EIR (see EIR Section 11.H).

## I. LAND USE

### Setting

The NSJ Final EIR described the urban nature of the project area and identified the following significant land use impacts: 1) land use conflicts associated with introducing additional residential uses in industrial areas, 2) secondary traffic impacts on residential uses from additional traffic on cut-through routes and near new intersections. Mitigation was included in the Final EIR to minimize these impacts, including implementation of City policies and traffic reduction measures. However, the impact from increased traffic in residential neighborhoods was determined to be significant and unavoidable; the City Council adopted a statement of overriding considerations for this impact.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
9. LAND USE AND PLANNING. Would the project:						
a) Physically divide an established community?				X		1, 2
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?				X		1, 3
c) Conflict with any applicable Habitat Conservation Plan or Natural Community Conservation Plan?				X		1

### Discussion

The project is amendment of the North San Jose Area Development Policy. This includes the following primary components:

1. Provide capacity for 500 additional residential units to proceed as part of Phase I rather than Phase II of the Policy.
2. Convert two million square feet of industrial space to one million square feet of regional commercial uses and 2,000 hotel rooms and establish a traffic impact fee for regional commercial/hotel uses.
3. Establish enforceable allocation of 20% for affordable housing within each phase of the Policy, except Phase I.
4. Update the Grid Street Plan to specifically identify the location of the Grid streets primarily within the Core area.
5. Provide implementation clarifications to more effectively implement new development.

The proposed amendment also includes the North San Jose Development Policy Neighborhoods Plan and North San Jose Urban Design Guidelines, two new documents intended to implement the policies and strategies identified in the in the North San Jose Area Development Policy. The Neighborhoods Plan provides supplemental guidance and interpretation to further the goals of the Policy, specifically related to the provision of amenities to serve future employees and residents in the area. The Urban Design Guidelines are part of the Implementation Strategy and contain details to assist in the visual and functional design of new development.

The proposed amendment is intended to improve implementation of the Policy and facilitation of future development in the Policy Area. The proposed land use changes (i.e., the transfer of residential units from Phase II to Phase I and conversion of industrial to regional retail/hotel uses) are in response to market conditions that favor such development and meet the demands of planned development within the Policy Area.

Because the Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses, no land use impacts are expected from the Policy modifications.

## Conclusion

The proposed amendment would not have a significant impact on land use. The project would not result in new or increased land use impacts beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.A).

## J. MINERAL RESOURCES

### Setting

The project is located in an area that does not contain any known or designated mineral resources.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
10. MINERAL RESOURCES. Would the project:						
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?					X	1
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?					X	1

## Discussion

The proposed amendment would not impact mineral resources of local or regional importance, since none are located on or near the project site.

## Conclusion

The proposed amendment would not result in new or increased mineral resource impacts compared with the 2005 NSJ Final EIR.

## K. NOISE

### Setting

As described in the 2005 NSJ Final EIR, the noise environment in the North San Jose area is dominated primarily by vehicular traffic along the arterial roadways and nearby highways. Aircraft associated with the Norman Y. Mineta San Jose International Airport also contributes to the noise environment throughout the project area.

The 2005 Final EIR identified significant noise impacts from the introduction of new sensitive uses (i.e., residential development) in noisy areas that could exceed interior noise standards. Mitigation was set forth in the Final EIR calling for project-specific noise studies to provide appropriate construction methods to attenuate interior noise levels upon final design.

The NSJ Final EIR also identified noise generated by future development in the North San Jose area as significant along roadway segments with existing sensitive uses. Even with measures to reduce traffic-related noise, noise impacts at some locations would remain significant and unavoidable; the City Council adopted a statement of overriding considerations for this impact. Finally, the Final EIR identified construction noise as a significant impact that would be reduced to a less-than-significant level with incorporation of standard construction noise abatement measures.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
<b>11. NOISE. Would the project result in</b>						
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?				X		3, 6
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?				X		1, 3
c) Substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?				X		3, 6
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?				X		3
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?				X		1
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?				X		1

## Discussion

The proposed Policy amendment does not increase development beyond those levels evaluated in the 2005 NSJ EIR. The Policy amendment allows the development of up to one million square feet of regional commercial uses and up to 2,000 new hotel rooms by reducing the total net new industrial square footage by two million square feet within the Policy Area.

A traffic analysis was completed for the amendment (Hexagon, March 2009) to determine the average daily vehicle trips for each land use to determine the trip changes from converting planned industrial space to regional retail and hotel uses. This comparison showed that the conversion of two million square feet of industrial space to one million square feet of regional retail space and 2,000 hotel rooms would generate fewer daily vehicle trips than evaluated in the original traffic study for the NSJ Final EIR. Therefore, the land use conversions proposed by the Policy amendment would decrease traffic and traffic-related noise emissions beyond those already identified in the 2005 NSJ Final EIR.

Similarly, the Policy amendment moves 500 residential units from Phase II to Phase I, which will not alter development levels at buildout (32,000 residential units); therefore, the amendment would not increase noise emissions beyond those levels assumed in the 2005 NSJ Final EIR.

Hotels were not specifically called out as sensitive receptors in the NSJ Final EIR; however, impacts from the introduction of sensitive residential uses were addressed and mitigation identified to reduce this impact to a less-than-significant level. Implementation of this mitigation, calling for the preparation of project-specific noise studies and incorporation of recommended attenuation methods into final design (per Title 24) will apply to all future hotel uses as well as residential uses.

## Conclusion

The proposed amendment would not result in new or increased noise impacts beyond those already identified in the certified 2005 Final EIR (see EIR Section II.J and III).

## L. POPULATION AND HOUSING

### Setting

The 2005 NSJ Final EIR describes the housing and population characteristics in the Policy Area. The primary intent of the Policy is to promote job growth and associated housing in North San Jose. The Final EIR does not identify any significant population and housing impacts.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
12. POPULATION AND HOUSING. Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?				X	1, 3
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?				X	1, 3

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact	Source(s)
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?				X	1, 3

## Discussion

The proposed Policy amendment moves 500 residential units from Phase II to Phase I. This will increase population growth in the short-term, but will not alter development levels at buildout (32,000 residential units). Since the 2005 NSJ Final EIR evaluated the environmental impacts associated with growth under buildout conditions, the conclusions would remain unchanged. In addition, the conversion of industrial square footage to regional retail and hotel uses is proposed in response to market demands and not expected to significantly reduce job growth projections in the area.

The project would not induce population growth, nor would it displace existing housing or persons beyond those already identified in the 2005 NSJ Final EIR.

In addition, the proposed Policy amendment would not displace housing or persons, necessitating the construction of replacement housing elsewhere.

## Conclusion

Implementation of the proposed amendment would have a less-than-significant impact on population and housing in San Jose. The project would not result in new or increased impacts to population and housing beyond those already identified in the 2005 NSJ Final EIR (see EIR Section II.A).

## M. PUBLIC SERVICES

### Setting

Police protection services in the North San Jose area are provided by the San Jose Police Department (SJPd) and fire protection services are provided by the San Jose Fire Department (SJFD). School services are provided by several districts. The City also provides library and park facilities. Parks are discussed in **N. Recreation** below.

The 2005 NSJ Final EIR concluded that although the Policy would increase development in the North San Jose area, impacts on public services would be less-than-significant.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
13. PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:						
a) Fire protection?					X	1, 3
b) Police protection?					X	1, 3

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
c) Schools?					X	1
d) Parks?					X	1
e) Other public facilities?					X	1, 3

### Discussion

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. Therefore, the amendment would not significantly impact public services.

### Conclusion

The proposed amendment would not have a significant impact on public services. The project would not result in new or increased impacts to public services beyond those already identified in the NSJ Final EIR (see EIR Section III).

## N. RECREATION

### Setting

There are two neighborhood/community parks within the North San Jose area. The City has adopted the Parkland Dedication and Park Impact Ordinances that require residential developers to dedicate public parkland or pay in-lieu fees, or both, to offset the demand for neighborhood parkland created by their housing developments. The 2005 NSJ Final EIR concluded that the Policy would result in less-than-significant impacts on park and recreation services.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
14. RECREATION. Would the project:						
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?					X	1, 3
b) Include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?					X	1, 3



## Discussion

The proposed Policy amendment does not increase residential development; therefore it would not impact recreational services. The amendment includes additional implementation guidelines in the Policy amendment and Neighborhoods Plan to improve facilitation of park land acquisition and development in the North San Jose area.

## Conclusion

The project would not have a significant impact on recreation. The project would not result in new or increased impacts to recreational facilities or services beyond those already identified in the NSJ Final EIR (see EIR Section III).

## O. TRANSPORTATION

### Setting

A traffic analysis was prepared for the 2005 NSJ EIR that evaluated level of service impacts at 220 intersections and 124 directional freeway segments. The results of the traffic analysis indicated that development of the North San Jose area would result in significant traffic impacts at numerous intersections and freeway segments. At some locations, these significant impacts were determined to be unavoidable due to physical constraints and/or jurisdictional authority. The City Council adopted a statement of overriding considerations for this impact.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
15. TRANSPORTATION/TRAFFIC. Would the project:						
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (for example, result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?				X		1, 3, 6
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?				X		1, 3, 6
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?				X		1, 3, 6
d) Substantially increase hazards due to a design feature (for example, sharp curves or dangerous intersections) or incompatible uses (for example, farm equipment)?				X		1
e) Result in inadequate emergency access?				X		1
f) Result in inadequate parking capacity?				X		1

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (for example, bus turnouts, bicycle racks?				X		1

## Discussion

The proposed Policy amendment does not increase development beyond those levels evaluated in the 2005 NSJ EIR; however, the Policy amendment does provide for the development of up to one million square feet of regional commercial uses and up to 2,000 new hotel rooms by reducing the total net new industrial square footage by two million square feet within the Policy Area.

A traffic analysis was completed for the Policy amendment (Hexagon, March 2009) to determine the traffic effects of converting industrial space to regional retail and hotel uses. This study is summarized in a memo contained in Appendix A. For the traffic analysis, the industrial land uses assumed in the 2005 NSJ EIR study were adjusted for regional retail and hotel uses. The conversion of approved industrial space to regional retail and hotel uses was based on PM peak hour trip generation. The trip generation characteristics for regional retail, hotel, and industrial uses were calculated using standard trip generation rates provided by the Institute of Transportation Engineers (ITE) with appropriate reductions for internalization and pass-by trips. The trip generation estimates are shown in Table 1 and indicate that the regional retail/hotel scenario will result in fewer PM peak hour trips than the industrial uses (-104).

In addition, the average daily traffic generated by the regional retail and hotel land uses versus industrial land uses was analyzed. Industrial land uses generate traffic primarily during peak AM and PM commute periods, while retail uses generate traffic throughout the day. Hotel uses have trip generation characteristics that are similar to industrial uses with peak generation occurring during the commute periods. The comparison of the conversion of industrial space to hotel and regional retail uses indicates that the regional retail/hotel scenario will result in less daily traffic than the industrial uses (-1,037), as shown in Table 1.<sup>3</sup> The PM peak hour represents the worst-case traffic scenario because retail uses do not generate substantial traffic during the AM peak hour. Regional retail and hotel uses will be subject to a traffic impact fee to mitigate impacts from generated trips (see discussion below), and would result in levels of service consistent with those disclosed in the NSJ Final EIR.

Based on the above analysis, the proposed land use changes proposed by the Policy Amendment would not result in new or increased traffic impacts, since the change in land uses would not increase daily or PM peak traffic beyond that analyzed in the 2005 NSJ Final EIR analysis. (The traffic generated would actually be somewhat lower, as shown in Table 1.)

<sup>3</sup> The trip equivalencies for retail and hotel uses were determined for the PM peak hour, since the adopted NSJ Traffic Impact Fee program is based on PM peak hour characteristics.

Table 1 PM Peak Hour and Daily Trip Generation						
Land Use	PM Peak Hour			Daily Trips		
	Size	Pk-hr Rate	Total	Internal Reductions	PM Trips	Daily Trips
<i>Approved NSJ Land Uses</i>						
Industrial (Research & Development)	2,000,000 s.f.	1.07	2,140	--	2,140	21,400
<i>Adjusted NSJ Land Uses</i>						
Regional Retail	1,000,000 s.f.	3.73	3,730	0.65 <sup>1</sup>	1,306	13,055
Hotel	2,000 rooms	0.63	1,260	0.42 <sup>2</sup>	731	7,308
<b>Total</b>			<b>4,990</b>		<b>2,036</b>	<b>20,363</b>
				<b>Difference</b>	<b>-104</b>	<b>-1,037</b>
Source: Hexagon Transportation Consultants, March 2009 and ITE Trip Generation, 8 <sup>th</sup> Edition 2008.						
<sup>1</sup> Regional retail reduced 40% for internalization and 25% for pass-by (Northwest Corridor Development Approach Urban Retail Centers, Design Center of the University of Minnesota).						
<sup>2</sup> Hotel uses reduced 42% for internalization between office and hotel uses (Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, San Diego Association of Governments).						

The proposed amendment also includes an updated Grip System Grid Street Plan that refines the conceptual layout in the Policy, specifically identifying the location of the Grid streets primarily within the Core area. According to the City of San Jose, the minor grid street changes would not result in any impacts to traffic conditions, including levels of service (Manuel Pineda, City of San Jose DOT, March 2009).

The Policy amendment includes implementation measures to calculate and apply the City's North San Jose Area Development Policy Traffic Impact Fee to regional commercial and hotel uses. These fees will be used to help fund construction of a series of transportation improvements identified in the NSJ Final EIR consistent with the existing Policy requirements for other development.

## Conclusion

The proposed amendment would not result in new or increased impacts to roadway, transit, or pedestrian facilities or services beyond those already disclosed in the 2005 NSJ Final EIR (see EIR Section II.B).

## P. UTILITIES AND SERVICE SYSTEMS

### Setting

Utilities and services are furnished to the project site by the following providers:

- Wastewater Treatment: treatment and disposal provided by the San Jose/Santa Clara Water Pollution Control Plant (WPCP), and lines maintained by the City of San Jose
- Water Service: City of San Jose Municipal Water System
- Storm Drainage: City of San Jose
- Solid Waste: Various haulers
- Natural Gas & Electricity: PG&E

The NSJ Final EIR did not identify any significant impacts from buildout of the North San Jose Area on utilities.

### Thresholds per CEQA Checklist

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
<b>16. UTILITIES AND SERVICE SYSTEMS. Would the project:</b>						
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?					X	1, 3
b) Require or result in the construction of new water or wastewater treatment facilities of expansion of existing facilities, the construction of which could cause significant environmental effects?					X	1, 3
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?					X	1, 3, 11
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?					X	1, 3
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?					X	1, 3
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?					X	1, 3
g) Comply with federal, state, and local statutes and regulations related to solid waste?					X	1, 3

### Discussion

The proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. Therefore, the amendment would not result in new or increased impacts on utilities.

### Conclusion

The proposed amendment would not result in new or increased impacts to utilities beyond those already identified in the 2005 NSJ Final EIR (see EIR Section III.J).

## Q. MANDATORY FINDINGS OF SIGNIFICANCE

ENVIRONMENTAL IMPACTS	Potentially Significant Issues	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Same Impact as Adopted Project	No Impact	Source
17. MANDATORY FINDINGS OF SIGNIFICANCE. Does the project:						
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?				X		1, 2, 3
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of the past projects, the effects of other current projects, and the effects of probable future projects.				X		1, 2, 3
c) Have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly?				X		1, 3

### Conclusion

Based on the analysis provided in this evaluation, the proposed amendment would not substantially degrade or reduce wildlife species or habitat or impact cultural resources. Impacts from buildout of the North San Jose Area were evaluated in the 2005 NSJ Final EIR. Mitigation, including program-level and policy measures, was identified to avoid or reduce impacts. The proposed amendment would not result in new or increased impacts beyond those already identified in the 2005 NSJ Final EIR.

#### **4. Summary of Conclusions as per CEQA Guidelines Section 15162**

The following discussion summarizes the reasons why a subsequent EIR, pursuant to CEQA Guidelines Section 15162, is not required for the project.

##### ***Substantial Changes to the Project***

The project proposes an amendment to the North San Jose Development Area Policy to 1) provide capacity for additional residential development to proceed as part of Phase I of the Policy without increasing the overall units allowed by the Policy, 2) convert office/research & development/industrial space to regional commercial and hotel uses and apply a traffic impact fee for regional commercial and hotel uses, 3) establish an allocation for affordable housing within each phase of the of the Policy, 4) update the Grid Street Plan, and 5) provide implementation modifications for clarification purposes.

As described in the above analysis, the proposed Policy amendment would not increase development beyond those levels evaluated in the 2005 NSJ EIR, nor would it add development in areas that were not previously planned for urban uses. Land use changes were evaluated and found to be consistent with the uses analyzed in the original Policy. Therefore, the amendment would not result in significant environmental effects or increase the severity of environmental impacts beyond those already identified in the NSJ Final EIR.

##### ***Project Circumstances***

Since certification of the NSJ Final EIR, conditions in the North San Jose area have not changed such that implementation of the project would result in new significant environmental effects or a substantially increase in the severity of environmental effects identified in the Final EIR. The proposed Policy amendment would not result in substantial adverse physical environmental impacts not addressed in the Final EIR.

##### ***New Information***

No new information of substantial importance has been identified in regard to the project or the project site such that the proposed development would result in: 1) significant environmental effects not identified in the NSJ Final EIR, or 2) more severe environmental effects than shown in the Final EIR, or 3) require mitigation measures which were previously determined not to be feasible, or mitigation measures that are considerably different from those recommended in the Final EIR. Existing regulations (including City General Plan policies and ordinances in the Municipal Code) and mitigation measures included in the Final EIR would be adequate to reduce the impacts resulting from development associated with the Policy amendment to less-than-significant levels.

## **5. References**

### **LEAD AGENCY**

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### **BIBLIOGRAPHY**

City of San Jose, North San Jose Area Development Policy, 1<sup>st</sup> Amendment, April 2009.

City of San Jose, North San Jose Area Development Policy Neighborhoods Plan, March 2009.

City of San Jose, North San Jose Urban Design Guidelines, March 2009.

Hexagon Transportation Consultants, memo entitled "CEQA Analysis for the Revision of the NSJADP to Include Regional Retail and Hotel Land Uses," March 13, 2009.

### **CHECKLIST SOURCES**

1. CEQA Guidelines and professional expertise of consultant
2. Plan/Project Review
3. 2005 North San Jose Area Development Policies Update EIR
4. Santa Clara County Important Farmlands Map
5. San Jose 2020 General Plan
6. Traffic Study by Hexagon

**ADDENDUM A**  
**TRAFFIC ANALYSIS**





## HEXAGON TRANSPORTATION CONSULTANTS, INC.

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### MEMORANDUM

TO: Manuel Pineda, City of San Jose  
CC: Ed Storm, Storm Land Co.  
  
FROM: Robert Del Rio  
  
DATE: March 13, 2009  
  
SUBJECT: *CEQA Analysis for the Revision of the NSJADP to Include Regional Retail and Hotel Land Uses*

### Introduction

Hexagon Transportation Consultants, Inc. has completed analysis to support the proposed adjustment of the North San Jose Area Development Policy (NSJADP) to include regional retail and hotel land uses. The NSJADP currently only allows for ancillary retail that serves as support to the planned industrial and residential development within North San Jose and does not cover hotel land use. The analysis primarily consists of a comparison of trip generation characteristics for retail and hotel land uses as compared to industrial land uses.

### Background

The need to accommodate larger/regional retailers with sizes that range from 100,000 square feet (s.f.) to 300,000 s.f., such as a Target and Wal-Mart, within the North San Jose Area has become evident based on existing retail service areas. Though various types of strip commercial/retail developments exist within North San Jose, the North San Jose area is currently under served by regional retail. Surrounding regional retail is located in Milpitas and Sunnyvale at distances that require the use of a vehicle. Similarly, the planned intensification of industrial land uses with North San Jose will create a demand for hotel rooms. Allowing for regional retail and hotel land uses within the North San Jose area will provide for the interaction between retail and hotel land uses with planned residential and industrial land uses and internalize trips within the North San Jose boundaries.

### Scope of Study

The analysis consists of an evaluation of trip generation characteristics of regional retail and hotel land uses versus those of industrial. The industrial land uses assumed in the completed NSJADP analysis will be adjusted/converted to either regional retail or hotel land uses. The objective of the analysis will be to allow for the inclusion of up to 1.0 million square feet (msf) of regional retail space and 2,000 hotel rooms by converting 2.0 msf of industrial space. The conversion of approved NSJ industrial space to retail and hotel uses will be based on PM peak hour trip generation. To maintain consistency with the approved NSJADP the total trips generated before and after the conversion of land uses cannot exceed the total trips generated by the approved 2.0 msf of industrial space.

## **Trip Generation Characteristics**

The trip generation characteristics for regional retail and hotel versus industrial were calculated utilizing standard trip generation rates recommended by the Institute of Transportation Engineers (ITE) and reductions for internalization and pass-by.

Reductions for internalization and pass-by were applied to the retail trip generation estimates. The internalization reduction was based on data of urban retail centers and their trade/service areas developed by the Design Center of the University of Minnesota<sup>1</sup>. Data is presented for various types of retail based on size and their associated service radius. Utilizing the data, service areas of potential retail within North San Jose as well as existing retail near the North San Jose boundaries were plotted. Figure 1 indicates the service areas for surrounding retail as well as potential retail in North San Jose. The service areas indicate that approximately 40-60% of the service area for retail within North San Jose would consist of areas within North San Jose and areas already served by existing surrounding retail. Thus, conservatively, a 40% internalization reduction can be assumed along with a 25% pass-by reduction for retail within NSJ.

Reductions for diverted and pass-by trips also were applied for hotel land uses. The reductions of 38% diverted and 4% pass-by are based on data collected and published by the San Diego Association of Governments<sup>2</sup>.

The trip generation estimates indicate that the conversion of 2.0 msf of industrial space to 1.0 msf of retail space and 2,000 hotel rooms will result in less PM peak hour traffic on the roadway system. PM peak hour trip generation for each of the land uses is presented in Table 1.

## **Average Daily Traffic Volume Characteristics**

Average daily traffic (ADT) volumes generated by retail and hotel land uses versus industrial land uses were also compared. The comparison was completed for the purpose of determining the effects of land use conversion on daily traffic volumes since each of the land uses have different trip generation characteristics throughout the day. Industrial land uses primarily only generate traffic during peak AM and PM commute periods, while retail land uses generate traffic throughout the day, with peaks occurring mid-afternoon and early evening. Hotel uses have trip generation characteristics that are similar to industrial land uses with peak generation occurring during the AM and PM commute periods. Therefore, the ADT for each of the land uses was compared to determine the net effects on daily traffic based on the potential conversion of industrial space to retail and hotel uses.

The comparison indicates that the conversion of 2.0 msf of industrial space to 1.0 msf of retail space and 2,000 hotel rooms will result in less daily traffic on the roadway system. Daily trip generation for each of the land uses is presented in Table 1.

<sup>1</sup> Source: *Northwest Corridor Development Approach Urban Retail Centers*, Design Center of the University of Minnesota

<sup>2</sup> Source: *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, San Diego Association of Governments

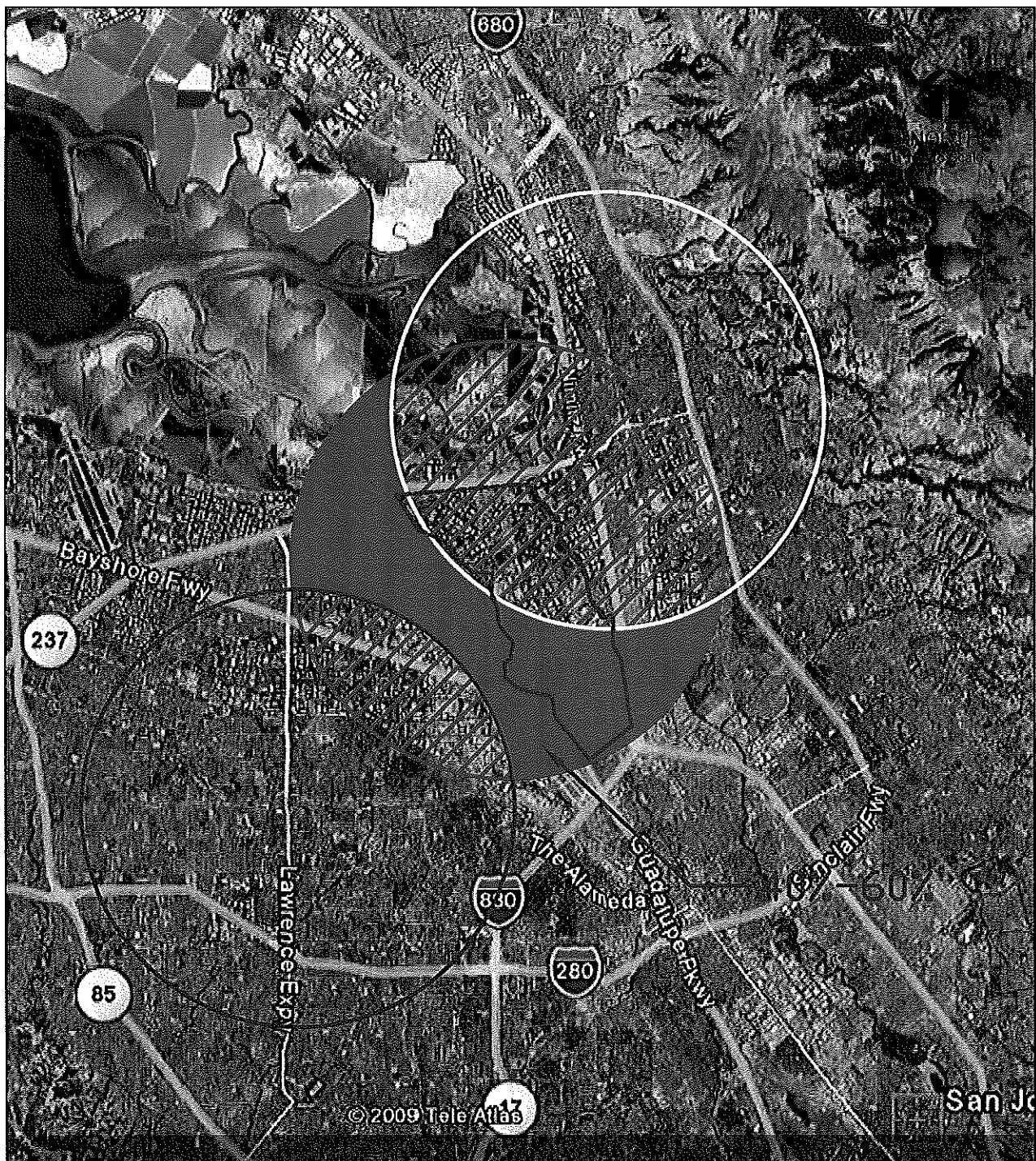
**Table 1**  
**PM Peak Hour and Daily Trip Generation**

Land Use	Size	PM Peak Hour		Internalization	Daily Trips	
		Pk-Hr	Total		Total PM	Peak Hour
		Rate		Reductions	Peak Hour	Daily Trips
<i>Approved NSJ Land Uses</i>						
Research & Development	2.0 m.s.f.	1.07	2,140		2,140	21,400
<i>Adjusted NSJ Land Uses</i>						
Retail	1.0 m.s.f.	3.73	3,730	0.65 <sup>1</sup>	1,306	13,055
Hotel	2000 rooms	0.63	1,260	0.42 <sup>2</sup>	731	7,308
<b>Total</b>			<b>4,990</b>		<b>2,036</b>	<b>20,363</b>
				<b>Difference</b>	<b>-104</b>	<b>-1,037</b>

Source: ITE Trip Generation, 8th Edition 2008. Land Use (760) Research and Development Center, (820) Shopping Center, and (310) Hotel

<sup>1</sup> Regional retail reduced 40% for internalization and 25% for pass-by (Northwest Corridor Development Approach Urban Retail Centers, Design Center of the University of Minnesota)

<sup>2</sup> Hotel uses reduced 42% for internalization between office and hotel uses (Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region, San Diego Association of Governments)



## LEGEND

- |                             |                      |
|-----------------------------|----------------------|
| NSJ Service Area            | Service Area Overlap |
| Sunnyvale Service Area      | Non-Service Area     |
| McCarthy Ranch Service Area | NSJ Boundary         |

Figure 1

## RETAIL TRADE AREA (3 MILES RADIUS)

North San Jose



## HEXAGON TRANSPORTATION CONSULTANTS, INC.

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### MEMORANDUM

TO: Manuel Pineda, City of San Jose  
CC: Ed Storm, Storm Land Co.  
  
FROM: Robert Del Rio  
  
DATE: March 13, 2009  
  
SUBJECT: *Revision of the NSJADP Traffic Impact Fee to Include Regional Retail and Hotel Land Uses*

### Introduction

Hexagon Transportation Consultants, Inc. has completed analysis to support the proposed adjustment of the North San Jose Area Development Policy (NSJADP) Traffic Impact Fee (TIF) to include regional retail and hotel land uses. The NSJADP currently only allows for ancillary retail that serves as support to the planned industrial and residential development within North San Jose and does not cover hotel land use. The analysis primarily consists of the determination of trip generation equivalencies for retail and hotel land uses as compared to industrial land uses. The trip equivalencies can then be used to determine applicable impact fees for retail and hotel land uses.

### Background

The need to accommodate larger/regional retailers with sizes that range from 100,000 square feet (s.f.) to 300,000 s.f., such as a Target and Wal-Mart, within the North San Jose Area has become evident based on existing retail service areas. Though various types of strip commercial/retail developments exist within North San Jose, the North San Jose area is currently under served by regional retail. Surrounding regional retail is located in Milpitas and Sunnyvale at distances that require the use of a vehicle. Similarly, the planned intensification of industrial land uses with North San Jose will create a demand for hotel rooms. Allowing for regional retail and hotel land uses within the North San Jose area will provide for the interaction between retail and hotel land uses with planned residential and industrial land uses and internalize trips within the North San Jose boundaries.

### Scope of Study

The purpose of the analysis is to identify a traffic impact fee that can be applied to proposed regional retail and hotel land uses in North San Jose similar to that, which exists for residential and industrial land uses. The analysis consists of an evaluation of trip generation characteristics of regional retail and hotel land uses versus those of industrial. The industrial land uses assumed in the completed NSJADP analysis will be adjusted/converted to either regional retail or hotel land uses. The objective of the analysis will be to allow for the inclusion of up to 1.0 million square feet (msf) of regional retail space and 2,000 hotel rooms by converting 2.0 msf of industrial space. The conversion of approved NSJ industrial space to retail and hotel uses based on PM peak hour trip equivalency will maintain consistency with the already approved TIF plan.



## Trip Equivalency

The trip equivalencies for regional retail and hotel versus industrial were calculated utilizing standard trip generation rates and reductions for internalization and pass-by. Table 1 presents trip equivalency calculations for each of the land uses. The equivalency will provide a basis by which the original industrial land uses assumed in the completed NSJADP analysis can be adjusted, but still maintain consistency with the total trips used in the completed TIF plan. The adopted TIF plan is based upon PM peak hour characteristics, thus the equivalencies for retail and hotel land uses were only determined for the PM peak hour. For comparison purposes, both Institute of Transportation Engineers (ITE) and City of San Jose trip generation rates were utilized.

Reductions for internalization and pass-by were applied to the retail trip generation estimates. The internalization reduction was based on data of urban retail centers and their trade/service areas developed by the Design Center of the University of Minnesota<sup>1</sup>. Data is presented for various types of retail based on size and their associated service radius. Utilizing the data, service areas of potential retail within North San Jose as well as existing retail near the North San Jose boundaries were plotted. Figure 1 indicates the service areas for surrounding retail as well as potential retail in North San Jose. The service areas indicate that approximately 40-60% of the service area for retail within North San Jose would consist of areas within North San Jose and areas already served by existing surrounding retail. Thus, conservatively, a 40% internalization reduction can be assumed along with a 25% pass-by reduction for retail within NSJ.

Reductions for diverted and pass-by trips also were applied for hotel land uses. The reductions of 38% diverted and 4% pass-by are based on data collected and published by the San Diego Association of Governments<sup>2</sup>.

Trip equivalencies were calculated utilizing both ITE and City of San Jose rates for the purpose of comparison. Utilizing ITE rates and reductions, the equivalency of trips for retail and hotel land uses versus industrial land use are 1.22 and 221.86, respectively. Similarly, the equivalency of trips for retail and hotel land uses versus industrial land use are 1.4 and 302.78, respectively, utilizing the City of San Jose rates. Thus, the City of San Jose trip rates present a more conservative equivalency when comparing retail and hotel land uses with industrial land uses.

## Retail and Hotel Traffic Impact Fee

The trip equivalency calculations indicate that the use of the City of San Jose rates present a conservative estimate of trips for the industrial retail, and hotel land uses. Therefore, the equivalency factors calculated using the City of San Jose rates should be used to calculate appropriate traffic impact fees for retail and hotel land uses. Based upon the trip equivalencies utilizing the City of San Jose trip rates, a traffic impact fee per square foot of retail and hotel room is calculated as follows:

Year 2009 Industrial Fee	= \$11.89 per square foot
Year 2009 Retail Fee	= \$16.65 per square foot (\$11.89x1.4)
Year 2009 Hotel Fee	= \$3,600 per hotel room (\$11.89x302.78)

The North San Jose traffic impact fee for industrial, regional retail, and hotel land uses are summarized in Table 2.

<sup>1</sup> Source: *Northwest Corridor Development Approach Urban Retail Centers*, Design Center of the University of Minnesota

<sup>2</sup> Source: *Brief Guide of Vehicular Traffic Generation Rates for the San Diego Region*, San Diego Association of Governments

**Table 1**  
**Trip Equivalency Factors**

Industrial Space (s.f.)	ITE Equivalency				CSJ Equivalency			
	Regional Retail (s.f.) <sup>1</sup>	Equiv. Factors	Hotel Room <sup>2</sup>	Equiv. Factors	Regional Retail (s.f.) <sup>1</sup>	Equiv. Factors	Hotel Room <sup>2</sup>	Equiv. Factors
10,000	8,200	1.22	45	222	7,000	1.43	33	303
20,000	16,400	1.22	90	222	14,500	1.38	66	303
30,000	24,500	1.22	135	222	21,500	1.40	100	300
40,000	32,800	1.22	180	222	28,500	1.40	132	303
50,000	41,000	1.22	225	222	35,500	1.41	165	303
60,000	49,200	1.22	270	222	42,500	1.41	197	305
70,000	57,300	1.22	316	222	50,000	1.40	230	304
80,000	65,500	1.22	360	222	57,000	1.40	263	304
90,000	73,800	1.22	405	222	64,000	1.41	297	303
100,000	82,000	1.22	451	222	71,000	1.41	332	301
<b>Average</b>		<b>1.22</b>		<b>222</b>		<b>1.40</b>		<b>303</b>

**Notes:**

- Trip generation rates based on ITE average rates for Land Use (760) Research and Development Center, (8th Ed.)  
(820) Shopping Center, and (310) Hotel

- City of San Jose Interim Guidelines for Traffic Impact Analysis for Land Developments,  
Common Vehicular Trip Generation rates for the San Jose Area, March 1994

<sup>1</sup> Regional retail reduced 40% for internalization and 25% for pass-by

<sup>2</sup> Hotel uses reduced 42% for internalization between office and hotel uses

**Table 2**  
**Traffic Impact Fee**

	Traffic Impact Fee	
	Per PM Trip	Per s.f. / Hotel Room
<b>NSJ Industrial Fee</b>	\$10,619	\$11.89
<b>NSJ Regional Retail Fee<sup>1</sup></b>	\$14,867	\$16.65
<b>NSJ Hotel Fee<sup>1</sup></b>	--	\$3,600

1. Calculated based on trip equivalency conversion:

40% reduction for internalization, and 25% pass-by reduction for retail

42% reduction (38% diverted and 4% pass-by) for hotel



## **Conversion Methodology**

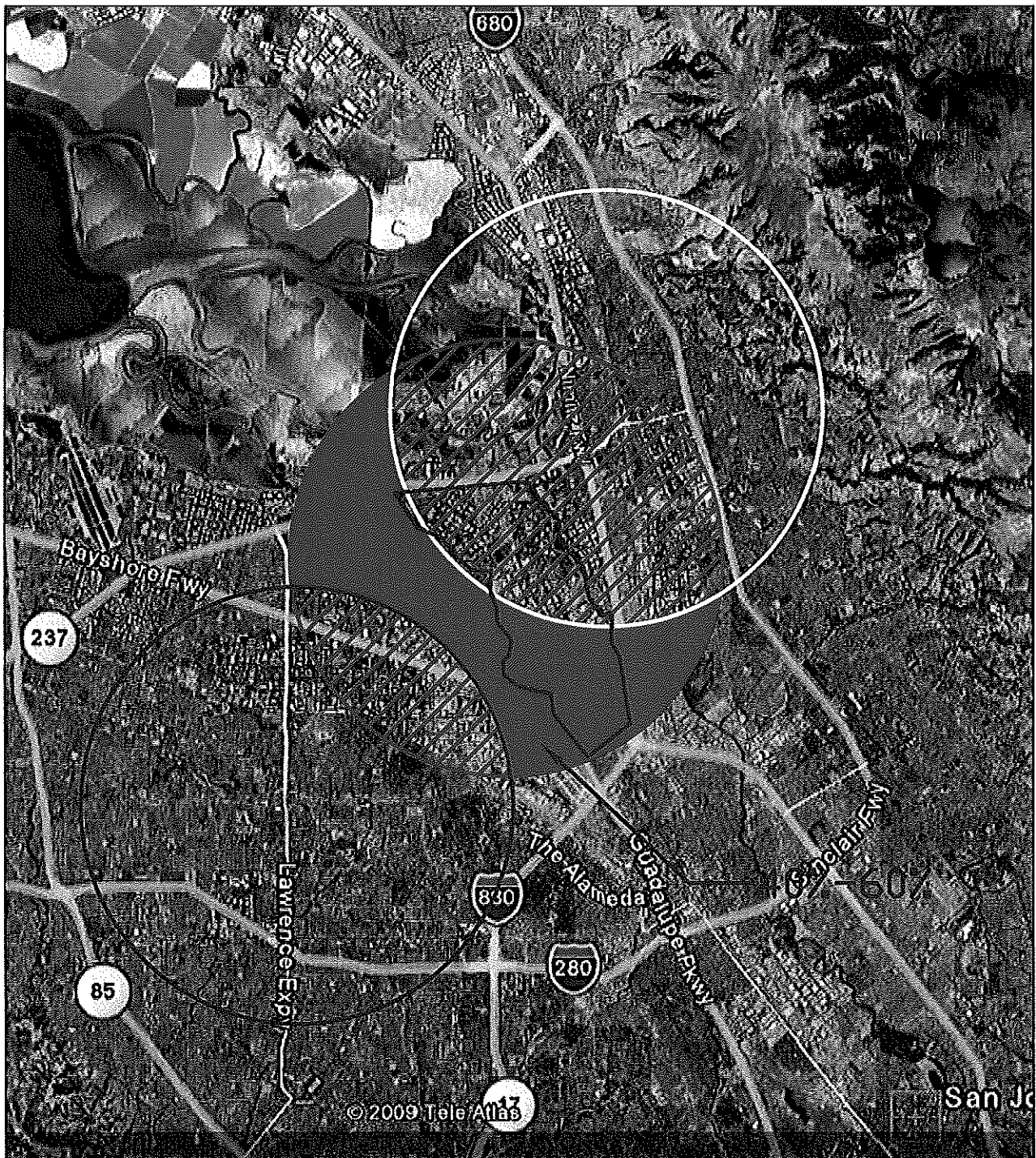
Utilizing the equivalency factor, a process also was developed by which approved North San Jose industrial square footage can be converted to a specified amount of regional retail square footage or hotel rooms.

The conversion is based on equivalent PM peak hour trips and holds the total PM peak hour trips constant to maintain consistency with the approved NSJDP. The methodology is outlined below with worksheet provided separately.

### **Industrial Space to Regional Retail and Hotel Rooms Conversion Methodology**

1. PM peak hour trip equivalencies for industrial, regional retail, and hotel land uses were calculated utilizing both ITE and City of San Jose trip generation rates. The equivalency is based upon the determination of equivalent PM peak hour trips generated by regional retail and hotel vs. industrial space. Increments of 10,000 s.f. were evaluated using each of the trip rates.
2. The equivalency data from Step 1 was then graphed (Retail/Hotel = x-axis, Industrial = y-axis). The equation for the "best fit line" for each land use utilizing both trip rates was then determined. The "best fit line" is a plot of the actual data points that reduces the deviations of each data point. The use of the "best fit line" provides for a constant proportional increase when comparing land uses.
3. An equivalency factor for industrial square footage vs. regional retail square footage and hotel rooms can be calculated utilizing the determined equation (without the y-intercept error) from Step 2 for each land use. The y-intercept, or point at which the "best fit line" crosses the y-axis is not used because the relationship between zero square feet of industrial space is not relevant.
4. The conversion of industrial space to any specified amount of regional retail and/or hotel rooms is then calculated by utilizing the equation or utilizing the equivalency factor and adding the y-intercept error. Either approach will give the same result.





Source: Google Earth

## LEGEND

- |                             |                      |
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Figure 1

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